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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-third session

PROVISIONAL SUMMARY RECORD OF THE 998th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 10 August 1993, at 3 p.m.

Chairman: Mr. VALENCIA RODRIGUEZ

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The meeting was called to order at 3.5 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Twelfth periodic report of the United Kingdom (CERD/C/226/Add.4) (continued)

1. At the invitation of the Chairman, Mr. Head and Mr. Steel (United Kingdom) took places at the Committee table.

2. Mr. YUTZIS said that the United Kingdom's twelfth periodic report was a significant document as it mentioned the numerous initiatives taken by the State party to attempt to combat racial discrimination. However, as much could be gathered from what a document omitted as from what it included. All the efforts described in the report did not necessarily mean that the era of tolerance had given way to one of genuine recognition. Far from it. In spite of the wealth of information and data apparently available to the United Kingdom, there was no diagnosis of the situation regarding racial discrimination there. In that connection, he requested an explanation of the meaning of "transcultural psychiatry" (para. 115 of the report).

3. Many members of the Committee had also expressed concern at what paradoxically appeared to be a proportional increase in the number of measures, projects and initiatives to combat racial discrimination and the rise in the number of problems of racial intolerance, attacks and discrimination. The key to that apparent paradox was perhaps to be found in the activities carried out by the Training and Enterprise Councils, as described in annex L, paragraph 8 (page 54 of the report). Those organizations took into account the state of the market, by "ensuring that training is relevant to what is needed in the economy", a revealing phrase that raised two questions: Who defined the market? Who defined what the needs of the economy were? One might also ask how training connected with the problems of racial discrimination was capable of satisfying the needs of the economy. Paragraph 26 of the annex stated that in order to help unemployed persons from ethnic minorities get back to work, they were encouraged to become self-employed, and that the Councils could offer enterprise allowances to support those wishing to become self-employed. Taken out of context, it might seem an excellent initiative in that it offered services to disadvantaged persons. However, it tended to create conditions likely to perpetuate all kinds of differences, particularly racial differences. Encouraging an individual to set up on his own meant launching him into a market ruled by the implacable laws of competition, where those who were not properly prepared were the losers. Such measures might well be counter-productive, as it was hard to reconcile the economic rationale with the real needs of the individual. Without proper care, a situation might be created in which racial and social distinctions grew worse.

4. Mr. RECHETOV thanked the delegation of the United Kingdom for having presented a detailed report. It was to be hoped that the comments by members of the Committee would have an effect, if not on the actual state of racial discrimination in the United Kingdom, at least on the preparation of the next report.

5. Despite the wealth of information in the United Kingdom's twelfth periodic report, it was difficult to gain a clear idea of the state of racial discrimination, in particular on the island of St. Helena. He would like clarification of the term "Belongers" mentioned in chapter X, paragraph 5, of Part Two of the report. Moreover, it was stated in paragraph 7 that "all schools in the Islands, governmental or private, are open to all races". What was the situation in practice?

6. As to the situation in Northern Ireland, paragraph 8 of the report said that "the former Secretary of State for Northern Ireland agreed in principle in March 1992 to the publication of a consultative document which would examine the scope for legislation on racial discrimination and consider what additional action ought to be taken by the Government to promote equity of treatment for ethnic groups". It was surprising, to say the least, that a country where all industrial documents were freely published could envisage keeping a text on racial discrimination secret.

7. Immigration was a complex phenomenon and he commiserated with Germany, France and the United Kingdom, which had been forced to take decisions on opening or closing their frontiers. What criteria were used to decide whether to accept certain nationalities and to turn back others? Would the choices made ensure a brighter future for Europe, or on the contrary lead to a series of iron curtains? In any event, he believed that the trend being followed was not towards peaceful coexistence between peoples and States.

8. There were considerable practical difficulties in verification of mixed marriages. In that regard, the United Kingdom authorities did not appear in the most democratic light.

9. As to asylum, paragraph 64 of the report mentioned a number of abuses which, in his view, were attributable to the ideological approach adopted in dealing with asylum applications. In practice, asylum was granted on the basis of a number of criteria which were not always easy to grasp.

10. Lastly, it was regrettable that the United Kingdom Government had given no information on the implementation of article 4 of the Convention. In view of such a considerable omission, it might well be asked to what extent the twelfth periodic report satisfied the Committee's criteria. Perhaps the reason lay in the reservations entered by the United Kingdom when it had acceded to the Convention. Again, was it acceptable, in the name of freedom of expression, that a representative of the Ku Klux Klan should be allowed, in another English-speaking country, to spread hateful propaganda against blacks and Jews?

11. The CHAIRMAN paid tribute to the United Kingdom Government for its efforts to try and eliminate all forms of racial discrimination. Its report painted a detailed picture of the legislative, political and social situation in the United Kingdom and in its dependent territories. Such a wealth of detail had afforded an opportunity for a searching examination to identify a number of lacunae or shortcomings in the measures to combat racial discrimination. He gave the floor

to the delegation of the United Kingdom to allow it to reply to the comments and questions by members of the Committee.

12. Mr. HEAD (United Kingdom) said that the questions put by members of the Committee could be broken down into three categories: those he could answer immediately; those requiring information not immediately available to him, but which could be sought in the United Kingdom; and those on complex issues requiring more time to prepare. The last two categories were made up of questions concerning details of the structure and provisions of legislation on nationality and immigration; educational policy and practice; the special status and social situation of minorities in Northern Ireland; the objectives and follow-up of subsidy programmes; and statistics on cases of racial attacks and incitement to racial hatred brought before the courts. Information concerning, in particular, the industrial tribunals could be found in the annual report of the Commission for Racial Equality, a document to which the members of the Committee could usefully refer.

13. As a rule it was easy, when a State party made no attempt to hide the fact that problems still remained in some areas, to overlook the progress achieved in others. In the United Kingdom, there were currently far fewer overt forms of racial discrimination than some 10 years ago. Moreover, there was a need for ethnic monitoring not only within the public service, but also in the private sector, and there was a growing conviction of the need to tackle the problem of racial discrimination at the top of the hierarchy of virtually all State organizations and entities. However, one of the most demanding tasks in that respect, and the United Kingdom was not the only State to face such a situation, was to ensure that acceptance of those principles permeated down the hierarchical line, and in particular to the lower echelons, who lived side by side with members of communities belonging to ethnic minorities. Nevertheless, the increasing tendency to resort to industrial tribunals indicated that the machinery set up by the 1976 Act was beginning to operate effectively and to be recognized as a source of redress for the benefit of members of ethnic minorities.

14. Again, without wishing to underestimate the relatively underprivileged position of a number of ethnic communities in the United Kingdom, he would point out that, over the years, their situation had definitely improved when measured by the yardstick of social indicators such as housing and education, or even employment, in view of the extremely long recession the country had experienced.

15. As to more immediate replies, the analysis of the results of the 1991 population census was not yet complete, particularly in respect of housing. Nevertheless, he was able to provide some data on demographic composition. For example, a total of 94.5 per cent of the population of the United Kingdom of Great Britain and Northern Ireland were white, although as one member of the Committee had noted, that category concealed a number of ethnic groups in their own right. Slightly more than 3 million people (5.5 per cent of the population) had stated that they belonged to an ethnic group other than the white group. There were 820,000 inhabitants of Indian origin; 490,000 of Pakistani and

Bangladeshi origin; and 490,000 of Afro-Caribbean origin. The three groups composed of people of black West Indian origin, black African origin and other blacks as a whole accounted for 1.6 per cent of the total population and 29.5 per cent of the total minority population. Indians were the largest group (1.5 per cent of the total population, i.e. 27.9 per cent of the minority population).

16. Moreover, ethnic minorities tended to live in metropolitan areas, particularly in the south-east of England (56 per cent). A total of 79 per cent of ethnic minorities living in the south-east of the country were in London, compared with 39 per cent of the overall population of the country. There were also major regional disparities in the distribution of the various ethnic groups: 60 per cent of the black ethnic group lived in Greater London, in comparison with 41 per cent of Indians and 80 per cent of Pakistanis. Lastly, almost two thirds of the persons of Bangladeshi origin lived in the south-east of England.

17. The authorities had attempted to include a question on ethnic groups for the 1981 census, but had met with objections from the minority communities, who had wondered why the Government needed such information and what its intentions had been. As a result, the idea had been abandoned. Subsequently, the House of Commons Home Affairs Sub-Committee on Race Relations and Immigration had been invited to prepare a question on ethnic groups for the 1991 census. Field surveys had been carried out and organizations representing minorities had been consulted. Finally, a question had been included in the questionnaire for the 1991 census and, according to statisticians, the responses obtained had been satisfactory. It should be noted that the questionnaire for the census in Northern Ireland had contained no questions on ethnic groups, as it had become apparent during consultations that there was no need for such information. On the other hand, the questionnaire had contained a question on religion. Nevertheless, the Government would have to consider any request for the inclusion of a question on ethnic groups in the next census in 2001 in Northern Ireland and decide, in the light more particularly of the Committee's comments, whether such a question was useful.

18. As to legislation on racial discrimination, in September 1991 the Commission for Racial Equality had sent recommendations to the Home Office designed in particular to reinforce legislation relating to religious discrimination, to establish incitement to racial hatred as an offence, to prohibit any discrimination based on religion and to enhance the efficiency of the judiciary. The Government took those recommendations very seriously and had examined them to see whether Parliament should take action or whether administrative measures were sufficient to put them into effect. It had also studied the recommendations to determine whether the adoption of new laws would have any real effect on race relations or whether they would merely be of token value. Areas requiring further study had been defined and a working group had been set up within the Commission for Racial Equality to study the issue. The Government had not yet taken a decision and would be interested to have the views of the Committee. However, just because a country was not constantly changing its legislation on racial discrimination, that did not mean the existing laws were not adequate. The Government of the United Kingdom was satisfied with its anti-discriminatory

legislation. Nevertheless, it was examining the Commission's recommendations to determine whether there was still room for improvement. The Government's conclusions, whatever they might be, would be transmitted to the Committee in writing or in the next periodic report.

19. Regarding questions about the situation of ethnic minorities in Northern Ireland, he suggested that members of the Committee should acquaint themselves with the consultative document published by the Minister responsible for Northern Ireland, and offered to provide them with a copy. The document addressed measures concerning ethnic groups, the Government's attitude towards Irish travellers and the contents of bills on racial discrimination. The Government accepted the principle of protection for the victims of racial discrimination in Northern Ireland. With regard to the Irish travellers in particular, the white paper mentioned a proposal to consider them as members of an ethnic group and to take them into account in any bill on racial discrimination in Northern Ireland. The Government recognized that it was a major issue, and a decision should be taken on it promptly. It would, however, need to take into account the fact that travellers in Northern Ireland were very different from those elsewhere in the country.

20. In reply to the questions on racial attacks, he said that the Government, too, recognized the need for more precise figures. From the data currently available it could not be determined whether the number of such attacks had actually increased. However, before attempting to obtain reliable statistics, it was necessary to define precisely what constituted an attack and what constituted harassment. Those concepts could take on many forms, ranging from insults to assault, through attacks on property. The nature of such acts also varied depending on whether they involved persons of the same colour or not. The figure of 7,000 in the report was for attacks reported to the police. In actual fact, the number was far higher. According to a survey, there were approximately 130,000 racist crimes in 1991 (the concept of a crime included both acts of violence and verbal insult or attacks on property). The survey had covered 10,000 homes and the results had been extrapolated for the ethnic minorities as a whole. The results of the survey were still being analysed and a report on crimes of racist origin was due to be published shortly. It was nonetheless possible to obtain figures from several police forces concerning the distribution of racist crimes, by degree of seriousness. For example, in 1992, acts of violence had accounted for 17 per cent of the crimes committed in Greater London, 12.5 per cent in Manchester and 20 per cent in Kent, thereby indicating that the number of racial crimes was even higher than the figures given. The question of racial crimes was a complex one, requiring further research and more sophisticated analytical techniques. The House of Commons Home Affairs Sub-Committee was currently studying the issue and he hoped that the authorities would be able to provide relevant information to the Committee in the next periodic report.

21. He provided a number of details about the Racial Attacks Group mentioned in the report and said that the Group was responsible for putting forward

recommendations and monitoring their implementation. In its 1991 report, it had made recommendations for the police forces and for the local authorities.

22. All police officers received training on community and racial relations during the practical phase of their training, followed by more advanced training at police college. Moreover, in 1989 the Home Secretary had set up a department responsible for training teaching staff in community and racial relations and for assisting police forces in developing training strategies. Sections 8 and 9 of the police code of discipline concerned discriminatory behaviour by police officers. Section 8 concerned more specifically abuse of authority and section 9 racial discrimination. The maximum penalty they laid down was dismissal. The Home Secretary had no figures on the number of dismissals, but members of the Committee could rest assured that their concerns about matters would be conveyed to the competent authorities. Furthermore, Her Majesty's Inspectorate of Constabulary ensured that all police forces implemented the Home Office guidelines on equal opportunities in recruitment and promotion for minorities. During their periodic inspections, the inspectors also monitored how police officers applied the recommendations of the Racial Attacks Group. The inspectors' reports were published.

23. On the question of whether the Government planned to introduce a new legislative framework to punish acts of racial violence and incitement to racial hatred, the Commission for Racial Equality had proposed that the law should include racial attack as a crime. There were some reservations about that proposal; it might be difficult to prove the racial motivation for the attack and, without evidence, it was impossible to prosecute and convict someone. Although the number of prosecutions for incitement to racial discrimination had increased, the number of convictions remained low. Moreover, such a provision might be merely symbolic. Some would argue that it was necessary to adopt a law on the matter even if it was no more than a declaration of intent, although Parliament generally expressed reservations and such a law would be of little value. For that reason the authorities had to consider the matter with great care.

24. Regarding the United Kingdom's position in Europe in terms of racial discrimination and international cooperation, it would be remembered that the Council of Europe had adopted a declaration condemning racism and xenophobia and that the United Kingdom had played a major role in preparing the declaration. Moreover, the United Kingdom was always prepared to take part in international police investigations as it was apparent that racial attacks committed in some European countries against ethnic minorities were not attributable to isolated individuals but to organized groups.

25. As to the comments by members of the Committee on article 3 of the Convention, the reason why the authors of the twelfth periodic report had not referred to the implementation of that article was doubtless because they had not wished to reiterate a position that had been reaffirmed time and time again by the United Kingdom, which had always stated that it rejected all forms of

apartheid. Nevertheless, he would transmit those comments to the competent authorities.

26. Regarding the Cleveland affair, involving an alleged case of racial discrimination at school, he said that article 18 of the 1976 Race Relations Act could only be invoked when the local education authorities committed an act of discrimination connected with their functions. Parents were entitled to express a preference as to the school in which they wished to enrol their child; the local authorities should not take the parents' motivation into account but accept their choice if possible. In the Cleveland affair, the courts had decided that the child had not been a victim of racial discrimination and that there had been no breach of the Race Relations Act.

27. Mr. STEEL (United Kingdom), referring to the questions about dependent territories, said that some of them required further examination and he assured members of the Committee that a reply would be communicated as quickly as possible. Regarding the other questions, which concerned the content and the form in which the report itself had been presented, he informed the members of the Committee that the authorities would endeavour to meet their concerns and take their comments into account when the next report was prepared.

28. In connection with the reservations by the United Kingdom when it had signed and ratified the Convention, in particular those regarding Fiji and Rhodesia, there was no need for them to be withdrawn. Fiji and Rhodesia (now Zimbabwe) had become independent in 1970 and 1980 respectively, and since then the United Kingdom had thus ceased to have any rights or obligations towards those territories in respect of the Convention or any other human rights instrument. Moreover, official withdrawal of the reservations would imply that the United Kingdom could maintain them. The question of withdrawal of reservations was one of treaty procedure and should be decided by the Secretary-General. The Government was prepared fully to cooperate with him, but considered that it was pointless withdrawing reservations which it considered they had lapsed.

29. Mr. Ferrero Costa had wondered whether it would not be appropriate to enact new legislation in the United Kingdom to combat incitement to racial hatred and other similar activities. As Mr. Head had already explained of the United Kingdom's position in that regard, he would simply refer to the explanations already provided on other occasions by the Government of the United Kingdom: existing legislation, and in particular the 1986 Public Order Act prohibited and punished such activities in conformity with the requirements of article 4 of the Convention, without infringing the principles of freedom of expression or of association, etc., which were inherent to a democratic society and set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The situation in that respect could of course change, and was being closely monitored by the authorities which, if they felt the need to make the provisions of the act more severe, would take the appropriate steps. Such was not the case at the time, and their position in respect of article 4 of the Convention remained unchanged.

30. Mr. van Boven had asked several questions concerning the reservations made by the United Kingdom in respect of article 6 of the Convention. They had been carefully noted and were extremely involved and complex. They required carefully thought out and detailed replies and would be sent in writing to the Committee in due course.

31. Mr. Ferrero Costa and other members had suggested that the United Kingdom could invoke article 11 if other States parties violated any of the rights protected by the Convention. It was indeed a step any State party could consider taking, but it should not be forgotten that initiating proceedings against another State party might entail all kinds of perilous consequences. For that reason, he would simply assure the Committee that he had taken due note of Mr. Ferrero Costa's comment and that the United Kingdom would continue, as no doubt would the other States parties, to bear in mind the rights conferred on it by article 11.

32. Several members had asked whether the United Kingdom Government planned to make the declaration provided for by article 14 of the Convention. The answer to that question was no, although in that respect too, the authorities would keep the possibility in mind. However, they were fully aware that other remedies were available to any petitioners; for example, the European Human Rights Convention had established a particularly effective procedure, which the Government of the United Kingdom had accepted in 1966. Moreover, cases involving discrimination were frequently dealt with under that procedure.

33. Mr. FERRERO COSTA said it was regrettable that lack of time prevented the Committee from pursuing the dialogue. He would merely revert to some matters, and trusted that replies would be provided on numerous other points in the United Kingdom's next report. The representatives of the United Kingdom had replied clearly, conscientiously and sincerely to some questions put by the Committee. Satisfactory clarification had been provided regarding the implementation of articles 2, 5, 6 and 7 of the Convention, but not on the application of articles 3 and 4, a shortcoming which he hoped would be made good in the next periodic report.

34. The replies just given to a number of issues raised by the Committee none the less occasionally revealed a stubborn attitude and a determination not to change in spite of the worsening of problems of discrimination observed in the United Kingdom and in particular the increase in the number of racial attacks: that situation called for further analysis and discussion.

35. First of all, it appeared that the recommendations made by the Commission for Racial Equality to improve current legislation on the elimination of racial discrimination were being examined by a working group, although the Government had not yet taken any decision in that respect. The Committee hoped that it would adopt the Commission's recommendations.

36. As to the consultative document on Northern Ireland, it had been said that the decisions envisaged were still being studied and that in any case they would not come into effect for 18 months. Accordingly, there were no plans for any

immediate measures to bring the situation in Northern Ireland into conformity with the requirements of the Convention, which was applicable there as in the rest of the United Kingdom. He therefore hoped that the Government would be informed of the concern expressed by the Committee in that respect; he would, at the very least, like to see the provisions of the 1976 Race Relations Act extended to that territory. Similarly, the Committee would appreciate clarification of the situation of travellers and of the Chinese minority in Northern Ireland.

37. He had been interested to hear the United Kingdom representative's explanations about article 3 of the Convention. He hoped that in the next periodic report the matter would be addressed more broadly and comprehensively.

38. The most disturbing issue was the growing number of racial attacks in Great Britain. The Committee had been provided with valuable information in that regard, yet its concern remained. It had been stated first of all that the Government did not plan to introduce specific legislation as required by article 4 of the Convention, and secondly, that the authorities were well aware of the seriousness of the phenomenon, since no less than 130,000 acts of racial violence were committed each year. There seemed to be a profound contradiction in that situation. The representative of the United Kingdom had said that enacting specific legislation would run counter to the desired goal, since current legislation was perfectly adequate to punish attacks in general, and that if a new specific law was adopted plaintiffs would be required to demonstrate the racial intent of the attacks, thereby making it more difficult for them. There was not time for him to explain why he did not share that view, but he requested the representatives of the United Kingdom to inform their Government of the Committee's concerns and of its view that it was necessary to improve the law in order more effectively to combat racial discrimination.

39. The United Kingdom's position regarding article 4 (b) of the Convention had, unfortunately, remained unchanged. The Committee and the Government appeared to be engaged in a fruitless dialogue: the United Kingdom Government maintained its reservations, while the Committee affirmed that the paragraph in question, which was not applied by the State party, was mandatory. The situation appeared to be at a deadlock, which was all the more disturbing for the Committee in that the number of acts of racial violence was on the increase in the United Kingdom. Nor did the Government appear to be prepared to establish bodies to monitor racial violence, to conduct scientific studies into the phenomenon or to introduce educational programmes, for young people, for example. The Committee thus noted with concern that no measure had been taken to combat the rise in the number of acts of racial violence recorded in the United Kingdom as elsewhere.

40. He had taken note of the replies by the representatives of the United Kingdom regarding articles 11 and 14 of the Convention. Admittedly, those provisions did not constitute legal obligations, but he would emphasize that, in the Committee's view, it was desirable for the United Kingdom to consider implementing them. The procedure under article 14, in particular, did not meet

the same needs as the procedure provided for by the European Convention on Human Rights.

41. Mr. WOLFRUM said he, too, was not satisfied by the replies about the implementation of articles 4 and 14 of the Convention. Firstly, in the case of article 4, the representative of the United Kingdom had referred to the Universal Declaration of Human Rights. However, in article 29, the Declaration specifically stated that the exercise of rights and freedoms could be limited by law in certain circumstances. Similarly, article 20, paragraph 2, of the International Covenant on Civil and Political Rights stated that any advocacy of national, racial or religious hatred that constituted incitement to discrimination, hostility or violence should be prohibited by law, thereby making it mandatory for States to limit freedom of expression in such circumstances. Articles 19, 21 and 22 of the Covenant also limited freedom of assembly, association and expression when the rights of others were jeopardized - which was certainly the case where racial discrimination was concerned. Accordingly, there were no grounds for invoking those instruments to justify failure to implement article 14.

42. The procedure established in the European Convention on Human Rights had indeed been accepted by the United Kingdom since 1966, but he would point out that the Scandinavian countries had long since accepted not only the procedure applied within the framework of the Council of Europe but also that provided for in article 14 of the Convention. It was a simple matter to harmonize the two systems by entering a reservation that cases could not be submitted to both bodies.

43. Mr. SHAHI said it was a questionable argument that adopting legislation specifically to punish incitement to racial violence would merely complicate the situation because it would be necessary to demonstrate racial intent in order to obtain a conviction. One might indeed wonder why, under the current criminal legislation on attacks in general, it was so rare for proceedings to be initiated, and even rarer for them to lead to a conviction, even though there was no need to demonstrate racial intent.

44. Moreover, he endorsed Mr. Wolfrum's comments about freedom of expression. He could not accept the idea that those countries which had adopted restrictive legislation in order to comply with the provisions of article 4 of the Convention and article 19 of the International Covenant on Civil and Political Rights were as a result less democratic. Perhaps there were other reasons why the United Kingdom had not adopted such measures; in any event, the argument put forward in that instance was not convincing.

45. Mr. ABOUL NASR failed to understand why the United Kingdom Government had not supplied information on the implementation of articles 3 and 4 of the Convention, in spite of repeated requests to do so; it was to be hoped that the relevant clarifications would be provided shortly.

46. Moreover, the United Kingdom had stated that it did not intend to make the declaration provided for in article 14 of the Convention. That was paradoxical, for in 1965 and 1966, when the Convention and the International Covenants on Human Rights had been drafted, the representative of the United Kingdom in the Third Committee of the General Assembly had vigorously defended the proposal to make that provision mandatory, and had criticized those countries that hesitated to vest individuals with the right to submit communications.

47. Mr. LAMPTEY recalled the circumstances in which it had been decided to make article 14 of the Convention and shared the surprise at a turnaround in the attitude of the United Kingdom.

48. Regarding article 4 of the Convention, the United Kingdom had stated that it did not intend to change the existing situation. It would be recalled that initially many States had displayed concern to protect freedom of expression, which was precisely why article 4 stipulated that each State should give due regard to the principles embodied in the Universal Declaration of Human Rights and in the Convention itself when taking positive measures designed to eradicate all incitement to discrimination. The United Kingdom should follow the example of current practice in those States which had at the time expressed the same concern about freedom of expression and which had none the less taken steps to comply with the requirements of article 4. The prevailing situation in the United Kingdom was worse than in 1965, or in 1976, when the Race Relations Act had been adopted. It was now essential for the Government to take the requisite measures, in conformity with the view of its own specialists in the field and of competent non-governmental organizations. Clearly, the Committee was unable to accept the position of the United Kingdom regarding article 4.

49. Mr. van BOVEN noted that, in its replies, the United Kingdom delegation had on several occasions said it needed to refer to the competent authorities. That might be necessary from the administrative angle, even if the questions had been under consideration for some time. However, the Committee addressed the United Kingdom as a State party which was required to comply with its obligations. The Committee had no need to concern itself with domestic procedures.

50. Secondly, he shared the disappointment of previous speakers in the matter of article 14. Vesting individuals with the right to submit communications was extremely important for the implementation of the international human rights instruments. For that reason, it was regrettable the United Kingdom did not plan to make the declaration provided for under article 14, for reasons that were far from convincing. Firstly, the United Kingdom had never ratified the Optional Protocol, which contained a similar procedure for the International Covenant on Civil and Political Rights, and secondly, the nature and scope of the European Convention on Human Rights were very different from those of the Convention against Racial Discrimination. Numerous countries had accepted both procedures without any difficulty.

51. Mr. YUTZIS said he, too, was deeply disappointed. As he had already observed, it was significant that the report was silent about the implementation

of articles 3 and 4 and the situation in Northern Ireland. That silence had not been broken.

52. The Committee should adopt a preventive approach and should not, as had occasionally been the case, overlook certain delicate issues. For that reason, he emphasized that the consideration of legislation that was inadequate in terms of the requirements of article 4 of the Convention and a training policy that was closely tied in with a market economy and economic necessities and a recession made for a highly explosive cocktail, with consequences which might prove difficult to control. In those circumstances, the Government of the United Kingdom should take the requisite administrative, juridical and legislative measures.

53. Mr. de GOUTTES said he associated himself with the issues raised by other speakers in connection with articles 4 and 14 of the Convention.

54. Mr. GARVALOV said that he too was disappointed and hoped that replies to the questions asked would appear in the next report of the United Kingdom.

55. The CHAIRMAN thanked the representatives of the United Kingdom for their cooperation. The consideration of the twelfth periodic report of the United Kingdom (CERD/C/226/Add.4) was concluded and the Committee now had to prepare its general recommendations.

56. The delegation of the United Kingdom withdrew.

Twelfth periodic report of Nigeria (CERD/C/226/Add.9)

57. At the invitation of the Chairman, the delegation of Nigeria took places at the Committee table.

58. Mr. RIMDAP (Nigeria), continuing his reply to the questions put by Mr. Song, said the Federal Government was composed of a National Defence and Security Council and of a Transitional Council, and the National Assembly was made up of the Senate and the House of Representatives. With the help of statistics, he showed that proportionally, the dominant ethnic groups were less represented than were the others. In the Senate, the States were equal and each was represented by three senators. The government of each State consisted of an assembly on which each local council was represented by a delegate. In that way, all ethnic groups took part in decision-making from the top to the bottom of the government hierarchy.

59. As to the question on religion in education, in State schools children could, if they wished, receive the religious instruction of their choice, but that no one was compelled to receive religious education of any kind.

60. In regard to the question by Mr. Yutzis on the indigenization decree of 1977, mentioned in paragraph 10 of the twelfth report, the situation had since

changed. The minimum capital required of foreign entrepreneurs who wished to set up in Nigeria was currently only 500,000 naira, i.e. a little more than 20,000 dollars at the current rate of exchange, a perfectly reasonable sum.

61. He noted that Mr. Aboul-Nasr had suggested taking up consideration of Nigeria's report at the next session, in view of the current racial, religious and ethnic tensions in Nigeria. As far as he was concerned, he could confirm that the problem in question had nothing to do with religious or racial discrimination. He also wished to explain, in reply to Mr. Wolfrum and Mr. Ferrero Costa, that the violent clashes between ethnic groups - in connection with which the Government had not stood by idly - were rooted in underdevelopment and poverty which gave rise to feuds over land, and spilled over into other States because geographical boundaries were vague within Nigerian society. The 1986 structural adjustment programme had not made things any easier, although the Government had established machinery to mitigate difficulties, to mobilize the population on behalf of social and economic development, to build roads, develop infrastructure to supply food and water, promote employment, and so on. The Government had also established a national guard in order to respond promptly to violence. It had earmarked 7.5 per cent of federal resources for a special fund, of which 2 and 3 per cent respectively were spent on ecological improvements and the development of oil-producing regions. It had also set up a commission responsible for implementing projects in those regions.

62. In the matter of free primary and secondary education, contrary to what Mrs. Sadiq Ali believed on the basis of writings by Mr. Saro-Wiva, the Ogoni were not the victims of discrimination in comparison to the other inhabitants of the Borno State. Moreover, primary education was free in all parts of the country. As primary education was the responsibility of the local administration, it was difficult to see why the Ogoni district should be more underprivileged than any other. Mr. Saro-Wiva himself had attended a prestigious, free, secondary school in the east at a time when the country had lived off agriculture. Now, when oil was the source of Nigeria's wealth and when Nigeria belonged to OPEC, troublemakers were demanding self-determination for the Ogoni. In that regard, he emphasized that Nigeria was not under colonial or foreign domination and that if the Ogoni were not on the list of ethnic groups, it was because they did not constitute one. They were the inhabitants of a town and district in Rivers State, which belonged to several ethnic groups.

63. He refuted the allegation that the 12 June election had been annulled in order to prevent Abiola, the purported "winner" of the election, from becoming president because he was Yoruba. In actual fact, the provisions of the election decree had been violated, as results had been issued piecemeal and the two candidates had practised corruption.

64. He then read out the names of the new States and explained that they had only been created for the purpose of decentralization, and not for ethnic reasons, regardless of what Mr. Saro-Wiva maintained. That writer had been arrested because of the criminal violence fomented by his supporters, in which

over 300 people, mostly Hausas, who had been there for hundreds of years, had been killed. Such ethnic cleansing was unacceptable. The majority and the minority both had the right to live in peace, to own property anywhere in Nigeria and to protection in accordance with article 5 (b) of the Convention. The idea of national unity was in complete conformity with the spirit of the Convention, as it meant that no individual should suffer discrimination by another on account of his ethnic origin, his religion or his language, and that any Nigerian citizen could live wherever he chose. That was clear from paragraph 4 of Nigeria's report. All ethnic identities and cultures had their place in Nigeria, and if minorities deserved protection, they must also respect the life and property of members of a majority ethnic group living among them.

65. In reply to a question on citizenship, he referred the Committee to paragraph 8 of Nigeria's report, where it was clearly stated that no Nigerian citizen suffered discriminatory treatment.

66. Mr. GWAM (Nigeria) explained that the country's mining resources fell within the exclusive purview of the Federal Government. Oil brought in 80 per cent of Nigeria's foreign exchange revenue. It was extracted in six States in the Federation, and Ogoni was simply one district in the Rivers State, where there were at least 50 different ethnic groups, and the Ogoni were not even among the five largest groups in that State.

67. Before oil production, national income had been from agriculture, which was very poor in the region in which the Ogoni lived. Such income had been used equitably for the development of Nigeria as a whole. Today, an autonomy movement wanted the oil revenue to be used exclusively to develop the producer States, which was very selfish. It was selfish and unjust, for the Federal Government paid back 3 per cent of that income direct to the producer States. Furthermore, the oil companies in Nigeria were under an obligation to supply the local population with social services and to use skilled local personnel. To that end, local inhabitants received fellowships from the Federal Government and the oil companies.

68. It might well be asked why a region would seek autonomy, since Nigeria was already highly decentralized. The Federal Government had, admittedly, exclusive rights in some areas, including defence, foreign policy and higher education, but as far as the rest was concerned, it acted in agreement with the States and, at the local level, the authorities were highly autonomous in many sectors, such as primary education.

69. The Nigerian Government had never prevented an ethnic group from living in accordance with its culture or religion and it provided a sufficient level of education to make sure that everyone could gain entry to the highest posts, as was the case with many Ogoni.

70. As to Mrs. Sadiq Ali's question about the difference between "class" and "race", terms that were used in paragraph 16 of the report, he would point out that "class" had an economic connotation, whereas "race" was more social, the word "class" being used in an operational meaning that included the notion of

race. However, Mrs. Sadiq Ali's comment would be communicated to the appropriate ministry, which would bear it in mind when the next report came to be prepared.

71. Priorities in education varied from one State to another. In Sokoto State, in the northern part of the country, for example, where there were few schools, education was regarded as a priority and the State was free to invest in that sector. In Lagos State and some western States, the situation was rather different; there were many schools that were free of charge, but they fell more under the local councils.

72. Mrs. SADIQ ALI (Country Rapporteur) noted that, according to the Nigerian delegation, everything depended on the local government councils, but Nigeria was a very wealthy oil-producing country and the wealth was in the hands of the Federal Government. In an area such as that of Ogoni, where so much oil was produced, the ecological degradation was absolute. She asked whether there were not grounds for intervention by the Federal Government.

73. It should be emphasized that poverty and underdevelopment, which were economic in character, could be a source of racial grievances. In Nigeria there were very diverse regions and ethnic groups and economic development was very uneven, something that bred racial resentment. The Government of the country should pursue a policy of not counting solely on oil, but diversifying its economy, which would be better balanced and the wealth better distributed.

74. Again, the Government should not cope with dissent so harshly as it was now doing with the Ogoni. According to a report dated 9 August 1993 in her possession, the south-east of the country was devastated by repression. In her view, the demands of the Ogoni should form the subject of negotiations, not military raids. According to the report in question, local police forces had been moved out of the area before the attack had taken place. Countless schools and homes had been destroyed over the past two weeks and many inhabitants, including women and children, had been killed, starved, mutilated or tortured to death in recent days. It was surprising to encounter cruelty on the part of a great country like Nigeria.

75. Mr. SHAHI said he had first understood that there was no Ogoni people. However, he had heard the representative of Nigeria speak of the Ogoni as a people. He would like a more accurate idea of who the Ogoni were and of the communities around them.

76. Mr. AHMADU cautioned against too literal a reading of Mr. Saro-Wiva, a great writer, but one who tended to dramatize things. In actual fact, Ogoni was a town in Rivers State, which was itself one of Nigeria's 30 States. As in Nigeria as a whole, many ethnic groups lived in that State. If all of them wanted autonomy, Nigeria would disappear from the map. Moreover, some minorities were numerically large, but such was not the case with the Ogoni. It was a minority of some 90,000 people, who had sought to secede or to create a republic within the Republic. He asked the Committee to think about what would happen if part of Kashmir, or the Tamils in Sri Lanka, obtained autonomy.

77. Oil revenues were federal revenue, but were allocated with due account taken of the area from which they came. Three per cent of such revenue went to developing the area and 2 per cent to improvements. The Government had established a committee to administer those sums and, according to the chairman of the committee, the recipients did not always know which project the subsidy should be assigned to. In any event, that region alone, because of the oil revenue, received three times more than did the others. In actual fact, therefore, it was greatly favoured.

78. Mr. SHAHI said he saw no similarity between the case of the Ogoni region and the case of Kashmir. The situation in Kashmir had been the subject of many General Assembly resolutions: it was bound up with relations between India and Pakistan, which had concluded a special agreement.

79. Mr. RIMDAP (Nigeria) said there was a town called Ogoni and a district also called Ogoni, which he compared to Geneva and the Canton of Geneva. The inhabitants of the town and of the district were no more an ethnic group than were the inhabitants of Geneva and the Canton.

80. As to shifting the Ogoni police force outside the region before the armed intervention, police forces served in their region of origin and some policemen had been taking part in the conflict.

81. Mr. GWAM (Nigeria) pointed out that, in Ogoni land, at least four or five major languages were spoken and various peoples lived there. With reference to Mrs. Sadiq Ali's comment, the Federal Government had greatly insisted on economic and crop diversification, which was now well under way. Comparing, with the use of figures, the situation of oil-producing regions and regions living off agriculture, he concluded that the Ogoni were in fact favoured.

82. The CHAIRMAN said that the Committee had completed its consideration of Nigeria's twelfth periodic report (CERD/C/226/Add.9). Mrs. Sadiq Ali, the country rapporteur, would in collaboration with any experts who so wished, draw up a draft conclusion on the report.

83. The delegation of Nigeria withdrew.

The meeting rose at 6.25 p.m.